

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

**ROMIE HARRIS, JR., AMY HARRIS,** \*  
**RUBY FRANCIS FOWLER, MARY LOIS** \*  
**GREEN, JAMES THOMAS, LULA THOMAS** \*  
**and JANIE BUFORD,** \*

**Plaintiffs,** \*

v.

**PACIFICARE LIFE AND HEALTH** \*  
**INSURANCE COMPANY, ROBERT D. BELL,** \*  
**ELIZABETH R. CLARK, WILLIE C. TILLIS,** \*  
**and Fictitious Defendants A through Z,** \*

**Defendants.** \*

\* CIVIL ACTION NO.: 2:06-CV-956-ID

---

**MOTION TO SUBSTITUTE PLAINTIFF**

---

**COME NOW** the Plaintiffs, by and through their undersigned counsel of record, and hereby move this Court to substitute one of the Plaintiffs, AMY HARRIS, who is now deceased, with the administratrix of her estate, GUSSIE WELCH. As grounds therefore, the Plaintiffs state as follows:

1. That Amy Harris is deceased. She passed away on October 21, 2006;
2. That shortly thereafter, Gussie Welch petitioned the Probate Court of Bullock County, Alabama for Letters of Administration;
3. That on April 3, 2007, the Probate Court of Bullock County, Alabama granted the Letters of Administration making Gussie Welch the administratrix of Amy Harris' estate; (see Order Granting Petition for Letters of Administration, attached hereto as Exhibit A);
4. That Gussie Welch is a proper party.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request this Court

to substitute Amy Harris with Gussie Welch.

Plaintiffs, by Counsel

/s/ J. Matthew Stephens

Robert G. Methvin, Jr. (MET009)

J. Matthew Stephens (STE153)

Rodney E. Miller (MIL126)

**OF COUNSEL:**

**McCALLUM, METHVIN & TERRELL, P.C.**

2201 Arlington Avenue South

Birmingham, AL 35205

Telephone: (205) 939- 0199

Facsimile: (205) 939-0399

/s/ L. Cooper Rutland

L. Cooper Rutland, Jr. (RUT010)

**OF COUNSEL:**

**RUTLAND & BRASWELL, L.L.C.**

208 N. Prairie Street

P.O. Box 551

Union Springs, AL 36089

**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2007, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Philip H. Butler

George B. Harris

William C. McGowin

**BRADLEY, ARANT, ROSE & WHITE, LLP**

401 Adams Avenue, Suite 780

Montgomery, AL 36104

Telephone: (334) 956-7700

I further certify that I have mailed the document by United States Postal Service to the following non-CM/ECF participants:

Paula Denney  
John K. Edwards  
Cedric D. Scott  
**JACKSON WALKER, LLP**  
1401 McKinney, Suite 1900  
Houston, TX 77010  
Telephone: (713) 752-4200

Willie C. Tillis  
306 Mullins Street  
Opp, AL 36467

Robert D. Bell  
208 N. Cleveland Street  
Albany, GA 31701

Elizabeth Clark  
505 Wisteria Palace  
Birmingham, AL 35216

/s/ J. Matthew Stephens  
COUNSEL

# Exhibit A

IN THE PROBATE COURT OF BULLOCK COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF )

AMY HARRIS, deceased ) DOCKET NO. 16-H-6

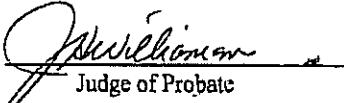
**ORDER GRANTING PETITION FOR LETTERS OF ADMINISTRATION**

PRESENT, HONORABLE JOHNNY H. WILLIAMSON, Judge of Probate of Bullock County, Alabama:

And now, on this day comes GUSSIE WELCH and presents to the Court her Petition in writing and under oath, praying that Letters of Administration on the estate of AMY HARRIS, deceased, issue to GUSSIE WELCH, which Petition has been examined by the Court, and it appearing to the satisfaction of the Court from the allegations contained in said petition and from other good and sufficient evidence that the said AMY HARRIS departed this life on or about the 21<sup>st</sup> day of October 2006; being at the time of her death an inhabitant of Bullock County, Alabama; that AMY HARRIS died leaving assets in Bullock County, Alabama, which assets both real and personal are estimated to be worth about \$ —0— DOLLARS, but leaving no Will, Testament or other writing relative to the disposal or distribution of her estate and that the death of said decedent was known more than five days before this day; and it further appearing to the satisfaction of the Court that GUSSIE WELCH the said Petitioner, is the daughter of the said decedent, is over twenty one years of age, an inhabitant of this State, and a fit person under the law and in the estimation of the Court to serve as administrator and no person having appeared to oppose the granting of Letters of Administration to the said GUSSIE WELCH or to show cause why the prayer of said Petitioner should not be granted; it is ordered by the Court that the prayer for Letters of Administration be granted and that bond is waived by the court.

It is therefore ordered, adjudged and decreed by the Court that Letters of Administration on the estate of said deceased be granted to the said GUSSIE WELCH and she be and she is hereby authorized to administer said estate; it is further ordered that the said GUSSIE WELCH proceed immediately to collect and take into her possession all of the goods, chattels, money, books, papers, medical records, and evidence of debt of said deceased.

DONE and ORDERED this the 3 day of Apr 2007.

  
\_\_\_\_\_  
Judge of Probate

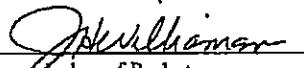
IN THE PROBATE COURT OF BULLOCK COUNTY, ALABAMA

STATE OF ALABAMA )  
COUNTY OF BULLOCK ) DOCKET NO. 16-H-6

LETTERS OF ADMINISTRATION

Letters of Administration on the Estate of AMY HARRIS, deceased, are hereby granted to GUSSIE WELCH, who has duly qualified and given bond as such administratrix, and is authorized to administer such estate.

WITNESS my hand, and dated this 3 day of Apr 2007.

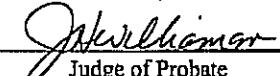
  
\_\_\_\_\_  
Judge of Probate

\*\*\*\*\*

STATE OF ALABAMA  
COUNTY OF BULLOCK

I, Johnny H. Williamson, Judge of Probate in and for said County and state, hereby certify that the within and foregoing is a true, correct and complete copy of the Letters of Administration of the Estate of AMY HARRIS, deceased, as the same appears of record in my office, and are still in full force and effect.

GIVEN under my hand and seal of office, this the 3 day of Apr 2007.

  
\_\_\_\_\_  
Judge of Probate